

REMARKS

Claims 7-25 are pending. Claims 7, 18 and 20 were amended to recite a non-adhesive, hydrophobic sealing medium. Support for this amendment may be found throughout the application and at least on page 14 and in the examples. Claim 8 was amended for consistency by adding the phrase "through-penetrating". No new matter was added. Claims 22-25 are allowed.

Claims 7-8 and 16-18 were rejected under 35 U.S.C. §102(e) as being anticipated by Roe (U.S. Patent Number 5,607,760). Applicants respectfully traverse this rejection.

The present invention solves the problem with leakage at the barriers of an absorbent article. This problem is solved by using a non-adhesive hydrophobic sealing medium which, in use, at least partly fills out any through-penetrating pores which are formed between the sealing edge or edges and an abutment part of a wearer's skin, and/or which, when the article is donned, smears the abutment part of a wearer's skin and thereby increases a liquid-skin wetting angle. The sealing of the edges is effected by the hydrophobic nature of the sealing medium which increases a liquid-skin wetting angle.

Roe discloses a disposable absorbent article having a lotion coating on the outer surface of the topsheet that is semisolid or solid at ambient temperatures (i.e., at 20°C.) and is adapted to be transferred to the wearer's skin, where it acts to reduce the adherence of BM to the skin of the wearer, thereby improving the ease of BM clean up and enhancing skin softness. *Column 3, lines 1-9.* The lotion compositions of the present invention comprise: (1) an emollient to improve the lubricity of the solid polyol polyester(s); (2) a solid polyol polyester(s) immobilizing agent; (3) optionally a hydrophilic surfactant(s); and (4) other optional components. *Column 10, lines 34-38.*

Roe is primarily directed to a diaper with a liquid pervious topsheet coated with a lotion composition. See *abstract*. In describing the topsheet, Roe states:

Similarly, it is important that the lotion composition also be sufficiently wettable to ensure that liquids will transfer through the topsheet more rapidly. This diminishes the likelihood that body exudates will flow off the lotion coating rather than being drawn

through the topsheet and being absorbed by the absorbent core. Depending upon the particular immobilizing agent used in the lotion composition of the present invention, an additional hydrophilic surfactant (or a mixture of hydrophilic surfactants) may, or may not, be required to improve wettability.... Similarly, a hydrophobic emollient such as petrolatum will require the addition of a hydrophilic surfactant.

Column 21, lines 42-61. Thus, Roe requires that the lotion composition be hydrophilic in order to ensure that the topsheet or other portion of the absorbent article treated remains hydrophilic. There is no distinction between these teachings and the section of Roe which notes that the lotion may be applied to any part of the diaper wherein it can come in contact with the wearer's skin.

Roe requires and only teaches a hydrophilic lotion which is used on a hydrophilic topsheet (or other portion of the absorbent article). Roe does not teach a sealing medium to avoid leakage or a sealing medium which is hydrophobic and which provides an increase in liquid-skin wetting angle. In fact, the lotion of Roe includes a number of ingredients, as noted above, which result in a final hydrophilic lotion. There is no suggestion in Roe that petrolatum should be used alone; rather it is to be one component of the total hydrophilic lotion composition, and when petrolatum is used a hydrophilic surfactant is needed.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. V. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). As discussed above, Roe does not disclose each and every feature of the invention as defined by the rejected claims since it does not disclose a non-adhesive hydrophobic sealing medium. In addition, Roe does not disclose increasing a liquid-skin wetting angle and such is not inherent from the Roe teachings regarding hydrophilic lotions since hydrophilic lotions would decrease, not increase, the liquid-skin wetting angle. In view thereof, Applicants respectfully request that this rejection be withdrawn.

Claims 9-15 and 19 were rejected under 35 U.S.C. §103(a) as being unpatentable over Roe. Applicants respectfully traverse this rejection.

The invention as defined by the rejected claims would not have been obvious from the teachings of Roe since Roe in its entirety directs one of skill in the art to a hydrophilic lotion. The mention of a hydrophobic material such as petrolatum cannot be taken out of context of the rest of Roe which clearly describes a multi-component, hydrophilic lotion which may include petrolatum only if a hydrophilic surfactant is added to change the characteristics of that hydrophobic material. The invention at issue, on the other hand, uses a hydrophobic sealing medium to solve the problem of leakage as described above. This sealing medium may result in a wetting angle above 90° (claim 13), or above 95° (claim 14) or at least 100° (claim 15). The lotion of Roe would decrease the wetting angle, not increase it, since a hydrophilic lotion is taught.

The invention as defined in the rejected claims would not have been obvious to one of skill in the art since Roe does not discuss or suggest solutions to leakage problems, hydrophobic sealing mediums or increasing the wetting angle. In view thereof, Applicants respectfully request that this rejection be withdrawn.

Claims 20-21 were rejected under 35 U.S.C. §103(a) as being unpatentable over Roe in further view of Kitaoka, U.S. Patent No. 5,342,342. Applicants respectfully traverse this rejection.

Claim 20 is directed to an absorbent article that includes longitudinally extending side extremities, an absorbent body disposed between a liquid-impermeable bottom sheet, which is intended to lie distal from a wearer in use, and a liquid-permeable upper sheet, which is intended to lie proximal to a wearer, and above the upper sheet, an essentially liquid-impermeable top sheet which is intended to lie against a wearer, and which includes elastic for shaping the article to a wearer's body, and includes apertures intended to lie in register with an anus and a urethra orifice of a wearer, around which apertures elastically puckered sealing edges are disposed in the top sheet; wherein at least said sealing edges are treated with a non-adhesive hydrophobic sealing medium which, in use, at least partly fills out any through-penetrating pores which may be formed between said sealing edges and an abutment part of a wearer's skin, and/or which, when

the article is donned, smears said abutment skin part and thereby increases a liquid-skin wetting angle.

As discussed in detail above, Roe lacks features of the invention as defined by the rejected claims. The addition of Kitaoka does not remedy those defects in the disclosure of Roe. In view thereof, the invention as defined in claims 20-21 would not have been obvious from a combination of Roe and Kitaoka and Applicants respectfully request that this rejection be withdrawn.

Applicants believe they have responded to all matters raised in the above referenced Office Action and that the application is now in condition for allowance. If the Examiner has any questions concerning this Application or this Reply and Amendment, the Examiner is invited to contact the undersigned.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

By: Mary B. Grant
Mary B. Grant
Registration No. 32,176

P.O. Box 1404
Alexandria, Virginia 22313-1404
(919) 941-9240

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